

U.S. DISTRICT COURT
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

2016 RCV-9 PM 3:20

UNITED STATES OF AMERICA

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U.S. DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

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Civil No. JFM-15-3651

v.

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Criminal No. JFM-12-0103

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PATRICK BELZNER

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MEMORANDUM

Patrick Belzner has filed a motion under 28 U.S.C. §2255. The government has responded. Belzner has not filed a reply.

Belzner asserts that his initial counsel, Joseph Evans, was ineffective. He also contends that Evans' successor counsel, Barry Pollack, was likewise ineffective. All of those claims are insubstantial.

Evans was disqualified by Judge Bredar because of a potential conflict of interest that existed between Belzner and an investor, Paul Bekman. Belzner alleges that he instructed Evans to conduct a prompt investigation into obtaining a swift plea on his behalf. Evans disputes that this is so. In any event, there is no evidence that Belzner would have received a more favorable plea offer if Evans had pursued plea negotiations from the outset.

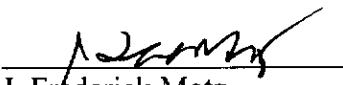
Barry Pollack is a highly respected defense lawyer. He was appointed by Judge Bredar to replace Evans. Belzner claims that Pollack advised him to reject a nine year plea offer. Pollack denies that a nine year plea offer was extended, and the prosecutors deny having extended the offer. After a "reverse proffer" meeting was held, Belzner evidenced an interest in pleading guilty. The government made a plea offer which Pollack timely presented to Belzner who accepted it. At sentencing Pollack successfully argued that the government's proffered

Guideline range should be reduced to a range of 151 to 188 months. This court imposed a sentence of 180 months upon Belzner.

Belzner also argues that Pollack was ineffective in not challenging Belzner's 1998 Maryland District Court assault conviction on the grounds that it was uncounseled. In fact, Belzner appealed that conviction to the Circuit Court for Baltimore County, and he was represented by Scott B. Shellenberger, now the Baltimore County State's Attorney, on the appeal. The appeal was denied.

A separate order denying Belzner's motion is being entered herewith.

Date: 11/09/16



J. Frederick Motz
United States District Judge